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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/830,417	04/27/2001	Kazuhiko Katahira	0152-0559P	7817
2292	7590	01/26/2006	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			NGUYEN, HUY THANH	
			ART UNIT	PAPER NUMBER
			2616	

DATE MAILED: 01/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/830,417

Applicant(s)

KATAHIRA ET AL.

Examiner

HUY T. NGUYEN

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) 8-34 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Election/Restrictions***

1. Applicant's election without traverse of claims 1-7 in the reply filed on 11 January 2006 is acknowledged.

Claims 8-34 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected inventions, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 11 January 2006.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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3. Claims 1 and 3 –4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nagasawa (JP407201130) in view of Tanaka (4,982,390).

Regarding claim 1, Nagasawa disclose a continuous recording system (See English translation ), comprising:

a tape drive (23) ;

a fixed disk unit (19) connected to said tape drive ; and

a controller connected to said tape drive and said fixed disk unit, wherein

said controller controls operation such that data is inputted to said tape drive and is recorded on a tape of said tape drive;

an input of said data is changed, when said tape is replaced with a new tape, from said optical disk to said fixed disk unit and the data is recorded on a fixed disk of said fixed disk unit; and the data recorded on said fixed disk is transferred, after said tape is replaced, to said new tape, thereby continuously recording the data.

Nagasawa fails to teach the use of optical disk for storing the recording data.

Tanaka teaches an apparatus using an optical disc drive for recording data on an optical disc as an alternative to a tape memory (column 3, lines 45-57, column 7, lines 35-50) .

It would have been obvious to one of ordinary skill in the art to modify Nagasawa with Tanaka by using an optical disc drive as an alternative to the tape drive of Nagasawa for recording the data .

Method claim 3 corresponds to apparatus claim 1. Therefore, method claim 3 is rejected by the same reason as applied to apparatus claim 1.

Further for claim 3, Nagasawa as modified with Tanaka further teaches switching data path from fixed disc to the optical drive (See Nagasawa (Fig. 1, Tanaka Fig. 1 column 7, lines 35-55).

Method claim 4 corresponds to apparatus claim 1 therefore method claim 4 is rejected by the same reason as applied to apparatus claim 1. Further for claim 4, Nagasawa as modified with Tanaka further teaches changing the optical disc before a available memory capacity of the optical disc is used up since the user can determine the remaining capacity of the optical disc based on time of recording data and control switching data path from fixed disc and optical disc \*See Nagasawa Fig. 1 Tanaka Fig. 1, column 7, lines 35-55).

4. Claims 2 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nagasawa (JP407201130) in view of Tanaka (4,982,390) as applied to claims 1,3-4 above further in view of Nishimura (EP 0698881).

Regarding claims 2 and 5, Nagasawa as modified with Tanaka fails to teach using an magneto optical of phase transition for storing the data . However, it is noted that using an magneto optical disc of phase transition for storing data is well known in the art as taught by Nishimura . Therefore it would have been obvious to one of ordinary skill in the art to modify Nagasawa as modified with Tanaka by using a magneto optical disc as an alternative to the optical disc of Nagasawa as modified with Tanaka for storing the data .

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5. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nagasawa (JP407201130) in view of Tanaka (4,982,390) in view of Ono et al (6314137).

Regarding claim 6, Nagasawa discloses a system having a recorder and a camera, the recorder comprising

a tape drive (23);

a fixed disk unit (19) connected to said tape drive; and

a controller connected to said tape drive and said fixed disk unit, wherein

said controller controls operation such that data is inputted to said tape drive and is recorded on a tape of said tape drive;

when an input of said data is changed, when said tape is replaced with a new tape, from said optical disk to said fixed disk unit and the data is recorded on a fixed disk of said fixed disk unit; and the data recorded on said fixed disk is transferred, after said tape is replaced, to said new tape, thereby continuously recording the data.

Nagasawa fails to teach the use of optical disk for storing the recording data.

Tanaka teaches an apparatus using an optical disc drive for recording data on an optical disc as an alternative to a tape memory (column 3, lines 45-57, column 7, lines 35-50).

It would have been obvious to one of ordinary skill in the art to modify Nagasawa with Tanaka by using an optical disc drive as an alternative to the tape drive of Nagasawa for recording the data.

Nagasawa as modified with Tanaka further teaches using compressing/ decompressing means and encoding/ decoding means for processing the data to be recorded on the optical disc and reproduced from the optical disc. See Nagasawa but fails to teach that the recorder can be used with a surveillance system.

Ono teaches a surveillance system using a camera with recorder having compressing / decompressing means and encoding/ decoding means for compressing/ decompressing, encoding/ decoding the data (Fig. 1, column 1, lines 9-12).

It would have been obvious to one of ordinary skill in the art to modify Nagasawa with Ono by using the recorder with a surveillance system thereby enhancing the capacity of the recorder of Nagasawa.

6. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nagasawa (JP407201130) in view of Tanaka (4,982,390) and Ono as applied to claim 6 above, further in view of Nishimura (EP 0698881).

Regarding claim 7, Nagasawa as modified with Tanaka fails to teach using a magneto optical disc of phase transition for storing the data. However, it is noted that using an magneto optical disc of a phase transition for storing data is well known in the art as taught by Nishimura (page 5, lines 27-36). Therefore it would have been obvious to one of ordinary skill in the art to modify Nagasawa as modified with Tanaka by using a magneto optical disc as taught by Nishimura as an alternative to the optical disc of Nagasawa as modified with Tanaka for storing the data.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUY T. NGUYEN whose telephone number is (571) 272-7378. The examiner can normally be reached on 8:30AM -6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Groody can be reached on (571) 272-7950. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
HUY T. NGUYEN  
PRIMARY EXAMINER

H.N